

Exhibit 4

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VIRTAMOVE, CORP.,
Plaintiff,

v.

HEWLETT PACKARD ENTERPRISE
COMPANY,
Defendant.

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Case No. 2:24-cv-00093-JRG
(Lead Case)

JURY TRIAL DEMANDED

VIRTAMOVE, CORP.,
Plaintiff,

v.

INTERNATIONAL BUSINESS
MACHINES
CORP.,
Defendant.

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Case No. 2:24-CV-00064-JRG
(Member Case)

JURY TRIAL DEMANDED

**DECLARATION OF GREG O'CONNOR
IN SUPPORT OF PLAINTIFF VIRTAMOVE, CORP.'S OPPOSITION TO
MOTION TO TRANSFER VENUE**

I, Greg O'Connor, declare and state as follows:

1. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto.

2. I currently work as the SVP of Cloud Engineering, Support and Operations at BlueYonder.

3. I work remotely from my primary residence at [REDACTED] Chilmark, Massachusetts, 02535. I also have a vacation home near Lake Tahoe in California.

4. I am the former Chief Executive Officer of AppZero.

5. I am willing and expect to travel to Texas to testify in the above-captioned cases. I do not personally find this inconvenient. I do find cross-continental travel to the NDCA to be inconvenient.

6. I am willing and expect to travel to Texas in relation to Plaintiffs co-pending cases *VirtaMove, Corp. v. Google LLC*, No. 7:24-cv-33 (W.D. Tex); *VirtaMove, Corp. v. International Business Machines Corp.*, No. 2:24-cv-64 (E.D. Tex); and *VirtaMove, Corp. v. Hewlett Packard Enterprise Company*, No. 2:24-cv-96 (E.D. Tex). I expect to regularly travel to Texas to prepare for, attend hearings in, and testify in these cases, so I would not find travel for any one specific case in Texas to be inconvenient if I will be in Texas for other cases anyway.

7. I have been informed by VirtaMove's lawyers that the trial in this case is set for October 20, 2025. I have no specific plans to be in the Northern District of California at that time.

8. I would prefer to travel to Marshall, Texas for trial instead of to the Northern District of California because I believe it will be both less expensive and closer.

9. For expenses, I have estimated my per-diem rates using the GSA website, and San Francisco looks to be more than two or three times as expensive, depending on the month. Below are true and correct screenshots of the GSA estimated rates for Marshall, Texas and San Francisco, CA from:

<https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates->

[results?action=perdiems_report&fiscal_year=2024&state=CA&city=San+Francisco](https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-results?action=perdiems_report&fiscal_year=2024&state=CA&city=San+Francisco), and

<https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates->

[results?action=perdiems_report&fiscal_year=2024&state=TX&city=Marshall](https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-results?action=perdiems_report&fiscal_year=2024&state=TX&city=Marshall).

FY 2024 Per Diem Rates for San Francisco, California

Change fiscal year: **2025** **2024** **2023** or [New Search](#)



Daily lodging rates (excluding taxes) | October 2023 - September 2024



Cities not appearing below may be located within a county for which rates are listed. To determine the county a destination is located in, visit the [Census Geocoder](#).

Filter Results...

Primary Destination	County	2023 Oct	Nov	Dec	2024 Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
San Francisco	San Francisco	\$288	\$288	\$288	\$333	\$333	\$333	\$270	\$270	\$270	\$270	\$270	\$288

Showing 1 to 1 of 1 entries

FY 2024 Per Diem Rates for Marshall, Texas

Change fiscal year: **2025** **2024** **2023** or [New Search](#)



Daily lodging rates (excluding taxes) | October 2023 - September 2024



Cities not appearing below may be located within a county for which rates are listed. To determine the county a destination is located in, visit the [Census Geocoder](#).

Filter Results...

Primary Destination	County	2023 Oct	Nov	Dec	2024 Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Standard Rate	Applies for all locations without specified rates	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107

Showing 1 to 1 of 1 entries



10. If I needed to travel a whole week for trial plus several days of preparation, then I estimate the resulting cost difference to be substantially less expensive in Marshall, Texas.

11. I have used the website www.travelmath.com to estimate my straight-line flying

times between Chilmark, MA to both Marshall, Texas and to San Francisco, California. The following are true and correct excerpts showing that the estimated travel times and travel distances are more convenient for Marshall, Texas (3 hours, 22 minutes to travel 1,435 miles) as compared to San Francisco (5 hours, 58 minutes to travel 2,730 miles).

The flight time from Chilmark, Massachusetts to Marshall, Texas is:

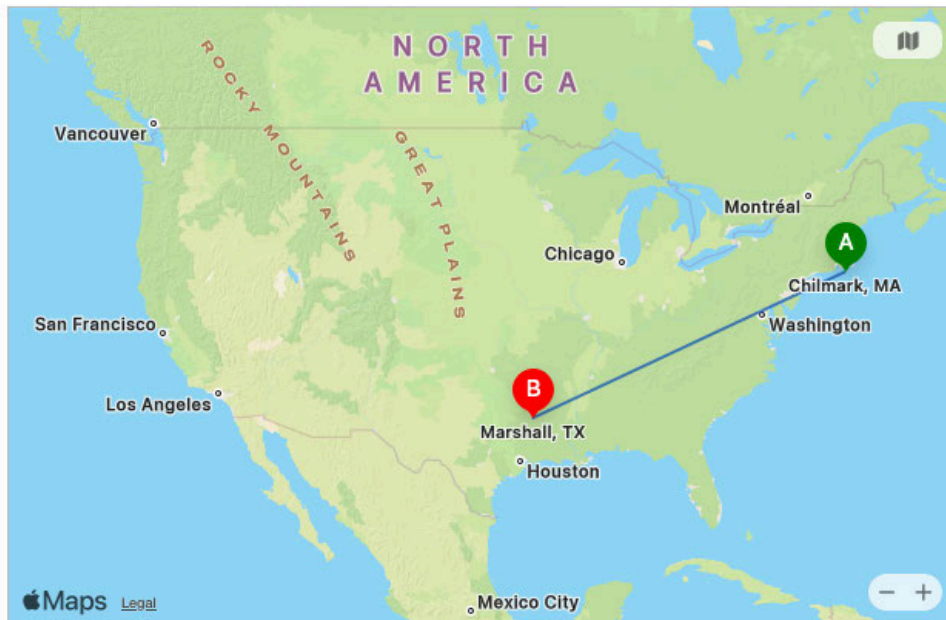
3 hours, 22 minutes

From: Chilmark, MA		Get: flight time
To: Marshall, TX	round-trip	
Depart: 09/10/2024		From: Chilmark, MA
Return: 09/16/2024		To: Marshall, TX
Get: flight		

Powered by MediaAlpha

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Flight map from Chilmark, MA to Marshall, TX



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Flying time from Chilmark, MA to Marshall, TX

The total flight duration from Chilmark, MA to Marshall, TX is **3 hours, 22 minutes**.

This assumes an average flight speed for a commercial airliner of 500 mph, which is equivalent to 805 km/h or 434 knots. It also adds an extra 30 minutes for take-off and landing. Your exact time may vary depending on wind speeds.

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If you're planning a trip, remember to add more time for the plane to taxi between the gate and the airport runway. This measurement is only for the actual flying time. You should also factor in airport wait times and possible equipment or weather delays. If you're trying to figure out what time you'll arrive at the destination, you may want to see if there's a [time difference between Chilmark, MA and Marshall, TX](#).

The calculation of flight time is based on the straight line [distance from Chilmark, MA to Marshall, TX](#) ("as the crow flies"), which is about **1,435 miles** or **2 310 kilometers**.


Your trip begins in Chilmark, Massachusetts.

It ends in Marshall, Texas.

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The flight time from Chilmark, Massachusetts to San Francisco, California is:

5 hours, 58 minutes

From:	<input type="text" value="Chilmark, MA"/>		Get:	<input type="text" value="flight time"/>	▼
To:	<input type="text" value="San Francisco, CA"/>	round-trip ▼	From:	<input type="text" value="Chilmark, MA"/>	
Depart:	<input type="text" value="09/10/2024"/>		To:	<input type="text" value="San Francisco, CA"/>	➤
Return:	<input type="text" value="09/16/2024"/>				
Get:	<input type="text" value="flight"/>	▼			
		 SEARCH		CALCULATE	

Powered by MediaAlpha

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Flight map from Chilmark, MA to San Francisco, CA



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Flying time from Chilmark, MA to San Francisco, CA

The total flight duration from Chilmark, MA to San Francisco, CA is **5 hours, 58 minutes**.

This assumes an average flight speed for a commercial airliner of 500 mph, which is equivalent to 805 km/h or 434 knots. It also adds an extra 30 minutes for take-off and landing. Your exact time may vary depending on wind speeds.

If you're planning a trip, remember to add more time for the plane to taxi between the gate and the airport runway. This measurement is only for the actual flying time. You should also factor in airport wait times and possible equipment or weather delays. If you're trying to figure out what time you'll arrive at the destination, you may want to see if there's a [time difference between Chilmark, MA and San Francisco, CA](#).

...

The calculation of flight time is based on the straight line [distance from Chilmark, MA to San Francisco, CA](#) ("as the crow flies"), which is about **2,730 miles** or **4 393 kilometers**.

Your trip begins in Chilmark, Massachusetts.

It ends in San Francisco, California.

Your flight direction from Chilmark, MA to San Francisco, CA is **West** (-78 degrees from North).

The flight time calculator measures the average flight duration between points. It uses the great circle formula to compute the travel mileage.

12. Based on these estimates, I believe that my travel to Texas will be much more convenient than travel to San Francisco, California because my travel will be less expensive, faster, and closer. For these reasons, I am unwilling to travel to San Francisco, California for trial.

13. I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

DocuSigned by:

68921581EB4D409...
Greg O'Connor